MAINE STATE LEGISLATURE

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	L.D. 1	1768		
2	DATE: $2/9/04$ (Filing	y No. H-674)		
4				
6	EDUCATION AND CULTURAL AFFAIRS			
8				
10	Reproduced and distributed under the directithe the House.	ion of the Clerk of		
12	STATE OF MAINE			
14	HOUSE OF REPRESENTATIV 121ST LEGISLATURE			
16	SECOND SPECIAL SESSION	1		
18	COMMITTEE AMENDMENT "A" to H.P. 1290, 1	L.D. 1768, Bill, "Ar		
20	Act To Authorize Certain School Children To Con Their Persons"			
22				
24	Amend the bill by striking out the tit the following:	tle and substituting		
26	'An Act To Authorize Certain School Children Medication on Their Persons'	n To Carry Emergency		
28	Further amend the bill by striking out	averething often the		
30	title and before the summary and inserting following:			
32	'Mandate preamble. This measure require	es one or more local		
34	units of government to expand or modify a necessitate additional expenditures from local	activities so as to		
36	not provide funding for at least 90% of Pursuant to the Constitution of Maine, Arti	those expenditures		
38	2/3 of all of the members elected to each H it necessary to enact this measure.			
40	-			
42	Be it enacted by the People of the State of Maine as fo	Be it enacted by the People of the State of Maine as follows:		
42	Sec. 1. 20-A MRSA §254, sub-§5, ¶C is enact	ted to read:		
44	•			
46	C. A public school or a private school section 2902 must have a written local			

Page 1-LR2286(2)

local policy must include the following requirements.

students to possess and self-administer emergency medication

from an asthma inhaler or an epinephrine pen. The written

COMMITTEE AMENDMENT "A" to H.P. 1290, L.D. 1768

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	(1) A student who self-administers an asthma inhaler		
2	or an epinephrine pen must have the prior written		
	approval of the student's primary health care provider		
4	and, if the student is a minor, the prior written		
	approval of the student's parent or guardian.		
6			
	(2) The student's parent or guardian must submit		
8	written verification to the school from the student's		
	primary health care provider confirming that the		
10	student has the knowledge and the skills to safely		
	possess and use an asthma inhaler or an epinephrine pen		
12	in school.		
14	(3) The school nurse shall evaluate the student's		
	technique to ensure proper and effective use of an		
16	asthma inhaler or an epinephrine pen in school.		
18			
20	SUMMARY		
22	This committee amendment changes the title of the bill and strikes and replaces the bill to expand the provisions of the		
24	bill regarding the possession and self-administration of an asthma inhaler to include the possession and self-administration		
26	of an epinephrine pen.		
28	The amendment requires a public school or private school		
	approved for attendance purposes by the Department of Education		
30	to adopt a written local policy allowing students to possess and		
	self-administer asthma inhalers and epinephrine pens in the		
32	school.		
•			
34	It also requires that a school receive written approval from		
3.6	the student's parent or guardian and the student's primary health		
36	care provider before the school authorizes the student to		
2.0	self-administer an asthma inhaler or an epinephrine pen.		
38	It also requires the student's remark or superdien to require		
40	It also requires the student's parent or guardian to provide written verification from the primary health care provider		
-1 0	confirming that the student has the knowledge and the skills to		
42	safely possess and use an asthma inhaler or an epinephrine pen in		
	a school.		
44			
	It also requires that the school nurse evaluate the		
46	student's technique to ensure proper and effective use of an		
	asthma inhaler or an epinephrine pen in school.		

Page 2-LR2286(2)

COMMITTEE AMENDMENT "A" to H.P. 1290, L.D. 1768

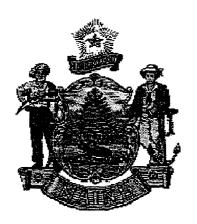
Finally, the amendment adds a mandate preamble to the bill.

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FISCAL NOTE REQUIRED (See attached)

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Page 3-LR2286(2)



121st Maine Legislature Office of Fiscal and Program Review

LD 1768

An Act to Authorize Certain School Children To Carry Asthma Inhalers on Their Persons

LR 2286(02)

Fiscal Note for Bill as Amended by Committee Amendment " "
Committee: Education and Cultural Affairs
Fiscal Note Required: Yes

Fiscal Note

Exempted State Mandate

Fiscal Detail and Notes

This bill requires schools to adopt written policies and procedures to allow students to possess and self-administer asthma inhalers and epinephrine pens in schools. The additional costs of the state mandate to individual school units are not expected to be significant. Pursuant to the Mandate Preamble, the two-thirds vote of all members elected to each House exempts the State from the constitutional requirement to fund 90% of the additional local costs.